

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A. POWELL, ) Civil No.  
THROUGH PERSONAL REPRESENTATIVE ) CV04-00428LEK  
MARY K. POWELL; THE ESTATE OF )  
JAMES D. LAUGHLIN, THROUGH PERSONAL )  
REPRESENTATIVE RAGINAE C. LAUGHLIN; )  
MARY K. POWELL, INDIVIDUALLY; )  
RAGINAE C. LAUGHLIN, INDIVIDUALLY; )  
CHLOE LAUGHLIN, A MINOR, THROUGH )  
HER NEXT FRIEND, RAGINAE C. )  
LAUGHLIN, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
CITY AND COUNTY OF HONOLULU, )  
 )  
Defendant, )  
 )  
and )  
 )  
CITY AND COUNTY OF HONOLULU, )  
 )  
Third-Party Plaintiff, )  
 )  
vs. )  
 )  
UNIVERSITY OF HAWAII, a body )  
corporate; JOHN DOES 1-10, JANE )  
DOES 1-10; DOE CORPORATIONS and )  
DOE ENTITIES, )  
 )  
Third-Party Defendants. )  
 )

DEPOSITION OF DANIEL NEVES

Taken on behalf of Plaintiffs at the Law Offices  
of Ian L. Mattoch, 737 Bishop Street, Suite 1835,  
Honolulu Hawaii, commencing at 2:00 p.m. on March  
24, 2006, pursuant to Notice.

Before: WILLIAM T. BARTON, RPR, CSR NO. 391

**EXHIBIT** "17"

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1 MR. MAYESHIRO: Calls for speculation.  
2 A. The Brew goes like this (indicating).  
3 Q. It's a bend?  
4 A. Yeah, I was like level eye with him when  
5 I see him running across.  
6 Q. Do you know what this distance would be?  
7 MR. MAYESHIRO: Calls for speculation.  
8 A. My heart was going so fast. All I cared  
9 about was getting this guy out of water.  
10 Q. You could see his face?  
11 A. I could see his eyes.  
12 Q. What did you see in his eyes?  
13 A. Scared. Frightened.  
14 Q. So was he facing the ledge in that you  
15 could see the side of his face?  
16 A. Everything happened so fast, and that  
17 the only thing I was worried about was getting to  
18 this guy before he went down.  
19 Q. So you saw his face. You saw he was in  
20 distress?  
21 A. Yes.  
22 Q. And you were still running down the  
23 ledge at this point?  
24 A. I was booking when I was running, yeah.  
25 Q. So then, continue.

1 You had him standing straight up on the ledge?  
2 A. No. I had him in the water, because I  
3 had the tube around him, like this. And it would  
4 plop him straight up out of the water.  
5 Q. The tube was wrapped under his under  
6 arms?  
7 A. Correct. At that point, his head went  
8 sideways, and I pulled him away from the crowd to  
9 give him mouth-to-mouth, because everybody was  
10 watching at that time. I could tell. I felt it  
11 in my heart.  
12 And I got to the ledge. I looked back.  
13 I didn't see C-Mo at the time coming with the  
14 equipment. By the time I got to the ledge, C-Mo  
15 was there.  
16 Q. Then -- I'm sorry to stop you again.  
17 You said you were talking to him, to the victim?  
18 A. Correct.  
19 Q. What was the sort of --  
20 A. Get the hell up. Get up now. I need  
21 your help. There's no way I can throw you up on  
22 here by myself. Don't give up on me now. Pretty  
23 much just keep his head going. I needed his brain  
24 moving, and he didn't get up. So I threw him up  
25 on the ledge.

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1 A. So I ran around. I lost track of him  
2 right when I hit the gate, because he went down  
3 right then. And I ran to that point right there.  
4 And I spotted him, face down, floating. I jumped  
5 in the water with my tube.  
6 Q. What tube?  
7 A. I carry a tube with me at all times.  
8 Q. Is that like a -- what is a tube?  
9 A. It's to wrap around the person's body  
10 and strap them in. But the thing is, he was so  
11 big, it wouldn't strap around. So I had to strap  
12 it to the rope to hold him in.  
13 I got him and I flipped him up, standing  
14 straight up like this. It was deep water at the  
15 time, and I gave him mouth-to-mouth.  
16 Q. In the water?  
17 A. Yeah. And did it twice. And then I  
18 prayed -- I just pretty much asked him to please  
19 get up, I need your help, because I knew his brain  
20 was still going. I probably reached him within  
21 seconds, and I needed him up.  
22 I needed him to get up physically to be  
23 able to help me get him up out of the water. I'm  
24 like 180. He's like 250, 260, I don't know.  
25 Q. Just so I can get a good visual of this.

1 Q. How did you do that?  
2 A. By God's will. I don't know. Power of  
3 something. I don't know.  
4 Q. How high was the ledge that you had to  
5 throw him up on to, from where you were located?  
6 A. I don't -- I don't remember the time,  
7 and -- the tide was going at the time. But it was  
8 high enough to where I looked back and seen how I  
9 threw him up on the ledge, and I was pretty  
10 impressed, myself.  
11 Q. Because it was so high?  
12 A. Yeah.  
13 Q. And he was twice as big as you, almost?  
14 A. Yeah. And I don't have a good footing.  
15 Because it was like from deeper to shallow to  
16 shallow water where I could stand up a little bit  
17 and slide and throw him up there.  
18 C-Mo, at the time I threw him, C-Mo  
19 grabbed him and yanked him, at the same time, on  
20 to the ledge.  
21 That's right away when I -- he had  
22 everything ready for me. And I just looked at him  
23 and it was like a relief, because I had somebody's  
24 help.  
25 And he was vomiting, because I --

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